Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 913 - 02140 - 0625 - 145	Date: 2/1914	Time: 1715	
Location: 23740 Magic Mountain Parkay		City or Station: Valencia	
Bureau/Station/Facility: Santa Clarita Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Significant Force / Personal Weapons (Fist), Control Holds			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lieutenant Berg, M.	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee #: [redacted]	Last Name: Brito	First Name: Jeffrey	Middle I.: L.	Rank: Deputy	
Sex: ◉ M ○ F	Race: W	Height: 6' 1"	Weight: 217	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Santa Clarita Station		Work Assignment (Unit #, Module, etc.): 60F2			
Individual Force Used: One Punch to face, three punches to torso		(Directed (Rescue (Medical Assist		Individual Category ○1 ○2 ◉3	
☐ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #	

E 2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: Deputy	
Sex: ◉ M ○ F	Race: H	Height: 5' 10"	Weight: 228	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Santa Clarita Station		Work Assignment (Unit #, Module, etc.): 60F1			
Individual Force Used: Forced Handcuffing		(Directed (Rescue (Medical Assist		Individual Category ◉1 ○2 ○3	
☐ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #	

E__

Employee #	Last Name	First Name	Middle I.	Rank	
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM; ○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):			
Individual Force Used:		(Directed (Rescue (Medical Assist		Individual Category ○1 ○2 ○3	
☐ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #	

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Peacock	Daniel	L.	Sgt	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Garcia	Jose	J.	Sgt	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Bryski	Tom	W.	Lt.

Watch Commander / Supervising Lieutenant's **Signature:** ____ Date ____ Copy Provided to Employee by: ____ Emp #: ____

Unit Commander **(Print Name)** ____ Unit Commander's **Signature**: ____ Emp #: ____ Date ____

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION

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Suspect Information

S 1

Last Name: Rincon | First Name: Alex | Middle Name: | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 27 | Height: 506 | Weight: 150 | D.O.B: 1/1/87 | Phone #1: ( ) H ( ) W ( ) C [redacted] | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 3870182 | Primary Charge Code: 647(f) P.C. | Secondary Charge Code: 243(b) P.C. | [X] Criminal History

Treated on Scene? ( ) YES (●) NO | Name: | Unit: | Phone #:

Hospital Admission? [X] | Rec'd Treatment At: Henry Mayo Newhall | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: Dr. Julieta Moran MD | Address: 23845 McBean Pkwy, Valencia Ca 91355 | Phone #: (661) 253-8000

Under Influence: (●) YES ( ) NO | Substance: Alcohol | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: 02/20/14 | Time: 0658 | [X] Audiotape: | [ ] Videotape: | [X] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

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Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ortega	Barnaby	NMN

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Santa Clarita Station	60F2	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Peacock	Daniel	NMN

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Santa Clarita Station	Supervisor	○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	Adult	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Supervisor's Report on Use of Force

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Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Rincon	S#1	Brito	E#1	PH	NN	CH
Brito	E#1	Rincon	S#1	PH	CP	IN
Rincon	S#1	[redacted]	E#2	RS	NN	NN
[redacted]	E#2	Rincon	S#1	RH	NN	NN

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY
FO2350705

UNIT: **Santa Clarita Sheriff's Station**

DATE: **February 19, 2014, Wednesday**

TIME: **1750 hours**

LOCATION: **23740 Magic Mountain Parkway**
Santa Clarita, CA 91355

URN #: **014-02140-0625-145**

IAB #: **FO2350705**

On February 19, 2014, Lieutenant Michael Berg, Sergeant Dinah Grote and Sergeant Jose J. Garcia of the Internal Affairs Bureau responded to Santa Clarita Sheriff's Station. This was in regards to a use of force by Deputies [redacted] # [redacted] and Jeffrey Brito # [redacted] used on prisoner, Alex Rincon Booking #3870182, inside the station jail.

On February 19, 2014, Deputies [redacted] Brito and Ortega responded to a fight call at [redacted] in the city of Newhall. Upon their arrival they did not find anyone fighting.

Deputies Ortega and Brito checked the parking lot of the liquor store and saw a male (the suspect) in the parking lot of the location. The deputies noticed that the suspect was bleeding from above his left eye, nose and lips. They saw his eyes were swollen and had redness on his forehead. The suspect was uncooperative with the deputies and denied having been involved in a fight. They detained the suspect in order to conduct an investigation into the call for service.

Deputies Ortega and Brito noticed the strong odor of alcohol emitting from the suspect's breath and body. They noticed the suspect's speech was slurred and he appeared to be heavily intoxicated.

Los Angeles County Fire Department paramedics were present at the location on an unrelated call.

Fire Paramedic William Oney noticed the suspect's injuries and offered the suspect medical assistance but the suspect told him to "fuck off and not to worry about it."

Deputies attempted to question the suspect about the fight but the suspect became increasingly agitated and began to yell profanities at the deputies.

Sergeant Peacock arrived at the location and spoke to Deputies Ortega and Brito, as well as the suspect. Sergeant Peacock #[redacted] also noticed the suspect's injuries and symptoms of alcohol intoxication.

Due to the suspect's intoxication and inability to care for himself or others, he was placed under arrest for Drunk in Public.

At the direction of Sergeant Peacock, the suspect was transported to Henry Mayo Memorial Hospital by Deputies Ortega and Brito, in order to obtain medical clearance for booking.

Due to the suspect's uncooperative demeanor, Sergeant Peacock video recorded the escorting of the suspect into the hospital. The suspect became extremely uncooperative upon his arrival at the hospital and yelled that he was beaten by deputies as he refused to walk. The suspect became argumentative and uncooperative as he refused to be treated by the medical staff.

The suspect was transported to Santa Clarita Sheriff's Station for booking, at the direction of Sergeant Peacock with the intent on bringing the suspect back to the hospital later as he sober up. Sergeant Peacock video recorded the escorting of the suspect from the radio car into the station jail cell.

Approximately two hours later, the suspect was transported via radio car, back to Henry Mayo Memorial Hospital in order to obtain a written medical approval for booking.

Sergeant Peacock video recorded the escorting of the suspect from the jail cell back to the radio car.

Upon their arrival at the hospital, the suspect refused to come out of the radio car. [redacted] Registered Nurse spoke to the suspect. Though the suspect became more cooperative with the deputies, he refused medical treatment, at which time the suspect was transported back to Santa Clarita Sheriff's Station.

A written medical refusal form was provide by the hospital staff.

The suspect had become more cooperative while being transported, as he joked and laughed in the radio car with Deputies Brito and Ortega.

Upon their arrival at the station, Deputies Brito and Ortega met with Deputy [redacted] and Sergeant Peacock. Sergeant Peacock did not record the escort of the suspect into the station jail as he had become more cooperative with the deputies. The three deputies walked the suspect into the booking area.

Sergeant Peacock was present in the booking area but walked away and into the station. Deputies [redacted] Brito and Ortega remained with the suspect and escorted him into his cell.

Deputies [redacted] and Brito entered the cell behind the suspect as Deputy Ortega stood at the cell gate. Deputy [redacted] placed the suspect against the wall and unhandcuffed him. The suspect cooperated with the deputies' directions.

After unhandcuffing the suspect, Deputy [redacted] walked toward the cell gate and Deputy Brito followed behind. At this time, the suspect turned away from the wall and faced Deputy Brito in a fighting stance. The suspect clenched his fist and held them up in a boxing position.

The suspect threw two punches toward Deputy Brito's upper torso or chest area. Deputy Brito dodged the suspect's punches by stepping to the side and responded by jabbing the suspect's front of the face once in order to create distance between he and the suspect. The suspect continued to close the distance between he and Deputy Brito, at which time Deputy Brito punched the suspect's left torso area approximately three to four times.

The suspect fell to the floor or went to the ground, and placed himself in a fetal position. He began to move himself under the metal bunk. Deputies [redacted] and Ortega pulled the suspect out from under the bunk. The suspect refused to give up his hands by placing them under his chest area. Deputy [redacted] forced the suspect's hands behind his back and handcuffed him without further incident.

Sergeant Peacock was notified of the incident and each deputy reported their force used on the suspect.

The suspect was subsequently transported back to Henry Mayo Memorial Hospital by Deputy Sean Halpin #[redacted], and Sergeant Peacock for treatment of his injuries. Suspect Alex Rincon was diagnosed as having sustained the following injuries:

Fractured 10th and 11th left ribs.
Minimally displaced nasal bone fractures.
Possible dislodgement of several right mandibular teeth.
Slight displacement of left orbital.
Soft tissue edema on left side of head.
Left facial contusions.

> **IAB Note:** For further details regarding the above injuries, refer to **Exhibit B. Medical Approval for booking from Henry Mayo Memorial Hospital.**

INVOLVED PERSONNEL:

Jeffrey L. Brito: Deputy Sheriff, #[redacted]
North Patrol Division
Santa Clarita Sheriff's Station

[redacted] Deputy Sheriff, #[redacted]
North Patrol Division
Santa Clarita Sheriff's Station

EMPLOYEE WORK HISTORY:

Jeffrey L. Brito:

Date of Employment:	April 29, 1999
Date Assigned to Patrol:	February 5, 2006
Date Completed Patrol Training:	[redacted]
Prior Founded Force:	

[redacted]

[redacted]

Date of Employment:	April 24, 2006
Date Assigned to Patrol:	December 16, 2007
Date Completed Patrol Training:	[redacted]
Prior Founded Force:	

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY

EMPLOYEE WITNESSES:

Barnaby Ortega: Deputy Sheriff, #[redacted]
North Patrol Division
Santa Clarita Sheriff's Station

Daniel Peacock: Sergeant, #[redacted]
North Patrol Division
Santa Clarita Sheriff's Station

CIVILIAN WITNESSES:

[redacted] Registered Nurse, Henry Mayo, Memorial Hospital, 23845 McBean Parkway, Valencia CA 91355. (661) 253-8000.

SUSPECT:

Alex Rincon: MH/27
[redacted] [redacted] [redacted] [redacted]

CRIMINAL HISTORY:

Suspect Alex Rincon: **Criminal History** consists of the following convictions:

[redacted]

IAB Note: For further details regarding Alex Rincon's criminal history, refer to **Exhibit A, Criminal Case, Criminal History.**

INJURIES:

Suspect Alex Rincon sustained the following injuries:

Fractured 10th and 11th left ribs.
Minimally displaced nasal bone fractures.
Possible dislodgement of several right mandibular teeth.
Slight displacement of left orbital.
Soft tissue edema on left side of head.
Left facial contusions.

IAB Note: Dr. Julieta Moran, Henry Mayo Memorial Hospital, treated Suspect Rincon for the listed injuries. It is unknown what injuries the suspect sustained during the fight at [redacted] or what injuries he sustained during the use of force by deputy Brito's one punch to the front of the face and three punches to the rib area.

IAB Note: For further details regarding the above injuries, refer to **Exhibit B. Medical Approval for booking from Henry Mayo Memorial Hospital.**

Deputy personnel were not injured during this incident.

PHYSICAL EVIDENCE:

Digital Video Disc: Sergeant Peacock video recorded ten segments of the contact and detention of Suspect Alex Rincon by Deputies Ortega, Brito and [redacted] These video recordings include escorts from radio car to hospital visits and escorts to the jail by deputy personnel as well as interview of Witness [redacted] For further details regarding this DVD, refer to **Exhibit C, DVD containing video recordings (10) of Suspect Alex Rincon.**

Photographs: Photographs (32) Depicting Visible injuries to Suspect Alex Rincon, Jail Cell, and clothing. For further details regarding these photographs, refer to **Exhibit D, Photographs (32).**

FORCE USED BY DEPUTY PERSONNEL:

Deputy Jeffrey L. Brito:

Personal Weapons (Fists).

Deputy [redacted]

Forced Handcuffing.

WEAPONS USED BY SUSPECT:

Suspect Alex Rincon used his fists.

PROPERTY DAMAGE:

None

CRIMINAL CHARGES FILED:

Count 1: **Disorderly Conduct, Intoxication (Alcohol),** 647 (f) PC

Count 2: **Battery on Peace Officer,** 243 (b) PC.

> **IAB Note:** Suspect Alex Rincon has failed to appear in court regarding this matter and a warrant for his arrest has been issued.

LIGHTING AND WEATHER CONDITIONS:

Incident occurred inside a jail cell with fluorescent lighting for illumination.

INVOLVED EMPLOYEES STATEMENTS:

Jeffrey Brito:

Jeffrey Brito, Deputy #[redacted] Special Assignment Officer, Santa Clarita Sheriff's Station, was interviewed on December 17, 2014 by Sergeant Jose J. Garcia of the Internal Affairs Bureau. The interview was conducted at Santa Clarita Sheriff's Station and it was audio recorded. The following is a summary of the interview:

Deputy Brito said he was assigned in a two man radio car with his partner, Deputy Barnaby Ortega on the day of the incident. He and Deputy Ortega responded to a voiced call of a fight at [redacted]

Upon their arrival, Deputy Brito looked for anyone fighting but only saw a male he recognized as Suspect Rincon. He knew the suspect from prior contacts and arrests for [redacted]

Deputies Brito and Ortega approached the suspect on foot and spoke to him. Deputy Brito said he immediately noticed that the suspect appeared as though he had been assaulted or involved in a fight. He noticed the suspect had a laceration above his left eye; his nose and mouth were bleeding. The suspect's face was swollen. The suspect exhibited symptoms of being under the influence of alcohol such as slurred speech and the odor of alcohol emitting from his breath and body. The suspect's clothes were disheveled and he appeared to stagger as he walked. The suspect was detained due to his intoxication as well as his possible involvement in a fight.

Deputy Brito said paramedics arrived at the location and tried to treat the suspect's injuries; however, the suspect became verbally abusive with paramedics and refused treatment.

Deputy Brito said he and Deputy Ortega decided to arrest the suspect for public intoxication.

Deputy Brito contacted Sergeant Peacock and advised him of the incident and the suspect's visible injuries. Sergeant Peacock directed Deputies Brito and Ortega to transport the suspect to the hospital in order to obtain medical clearance for booking.

Deputies Brito and Ortega transported the suspect to Henry Mayo Memorial Hospital. There they met with Sergeant Peacock and Deputy [redacted] When the deputies arrived at the hospital, the suspect said he did not want any medical treatment but agreed to walk into the hospital.

Deputy Brito said that as the suspect exited the radio car, he whispered something to Deputy Ortega. As they walked toward the emergency room, the suspect began to scream, "Cops beat me!"

Deputy Brito said the suspect was screaming out loudly that he was beaten by deputies and appeared as though he really wanted to get the attention of the medical staff.

The suspect immediately became belligerent and verbally abusive with the medical staff, as he told medical staff, "Stay the fuck away from me."

Deputy Brito said Witness [redacted] Registered Nurse, tried to provide medical assistance for the suspect but the suspect refused treatment.

Deputy Brito said that Sergeant Peacock directed Deputies Brito and Ortega to transport the suspect to Santa Clarita Station Jail. Sergeant Peacock and Deputy [redacted] followed them to the station jail.

When they arrived, Deputies Brito, Ortega and [redacted] escorted the suspect to a cell while Sergeant Peacock stood by, video recording the incident. Deputy Brito said that the suspect made derogatory statements toward deputies and was clearly trying to bait them to fight.

Approximately two hours later, Sergeant Peacock directed Deputies Brito and Ortega to transport the suspect back to the hospital in order to obtain a written medical clearance for booking.

Deputies Brito and Ortega transported the suspect to the hospital but the suspect refused to exit the radio car. Witness [redacted] stepped out of the hospital and spoke to the suspect, at which time the suspect refused medical treatment. A written medical refusal was provided by Witness [redacted] at that time.

Deputy Brito said that after the medical refusal, the suspect suddenly became cooperative with him and Deputy Ortega.

Deputy Brito described the change in the suspect's demeanor as if "a switch went off and he was back to being a civilized individual." Deputy Brito said that while en-route to the station he asked the suspect if he was going to behave and be cooperative. The suspect said yes. Upon their arrival at the station jail, Sergeant Peacock asked about the suspect's demeanor and Deputy Brito told him that the suspect was no longer "acting crazy."

[redacted]

Deputy Brito said that Sergeant Peacock [redacted] and left the booking area. He said he and Deputy Ortega did not discuss with Sergeant Peacock waiting for Sergeant Peacock to return to the booking area before escorting the suspect to a cell. Instead, he, Deputy Ortega and Deputy [redacted] escorted the suspect to a cell without waiting for Sergeant Peacock.

Deputy Brito said he decided to not wait for Sergeant Peacock because he noticed several loud inmates in the booking area and did not want the suspect to become agitated and boisterous among the inmate population again.

Deputy Brito said the suspect was cooperative while being escorted to the cell. Deputies Brito and [redacted] entered the cell with the suspect and Deputy Ortega stood at the cell gate. Deputy [redacted] stood the suspect against the wall and gave him directions as to what to do while removing the handcuffs from the suspect. The suspect had complied with the deputies' directions while being escorted, placed against the wall and unhand cuffed. When Deputy [redacted] unhand cuffed the suspect, he told the suspect to remain against the wall and the suspect remained against the wall.

Deputy [redacted] and Deputy Brito began to walk away from the suspect toward the gate, at which time the suspect turned to face Deputy Brito. The suspect stood in a fighting stance with his fists in front of him as in a boxing position.

The suspect threw two punches at Deputy Brito's upper chest area and Deputy Brito avoided the punches by stepping out of the way to the side.

Deputy Brito said he threw one jab at the suspect's face striking him on the face, in order to create distance between him and the suspect, but this jab did not have an effect on the suspect. The suspect continued to close his distance with Deputy Brito.

Deputy Brito said he struck the suspect's left torso area with three to four punches, which may have had an effect on the suspect, as he went to the floor in a fetal position. The suspect immediately yelled that his ribs hurt.

The suspect crawled under a metal bunk but Deputy Ortega pulled the suspect out from under the bunk. The suspect remained being uncooperative on the floor by placing his hands in front of his chest. Deputies Ortega and [redacted] ordered the suspect to place his hand behind his back and the suspect said he was not going to give up his hands. Deputy [redacted] grabbed both of the suspect's hands and was able to handcuff him without further incident.

Deputy Brito concluded by saying that he believed that throughout the contact, it appeared that the suspect was trying to bait the deputies into fighting him while making derogatory statements. Deputy Brito said that due to how quickly the suspect attacked him, he believed he had little or no choice but to use personal weapons against the suspect, with little or no time to use another force option.

Deputy Brito was asked if he considered applying a hobble on the suspect during the first hospital visit in order to keep his feet from potentially injuring someone and he said, that though he had a hobble in the radio car, it did not occur to him to use it on the suspect.

Deputy Brito said that in retrospect, he should have waited for Sergeant Peacock to be present with a video recorder during the final escort of the suspect into the cell. Another option would have been to leave the suspect handcuffed in the cell temporarily until he became calmer.

[redacted]

[redacted], **Deputy #**[redacted] Special Assignment Officer, Santa Clarita Sheriff's Station, was interviewed on December 17, 2014 by Sergeant Jose J. Garcia of the Internal Affairs Bureau. The interview was conducted at Santa Clarita Sheriff's Station and it was audio recorded. The following is a summary of the interview:

Deputy [redacted] said he was assigned to a one man radio car on the day of the incident. He said he responded to [redacted] regarding a fight call that was voiced via radio. He said he was not assigned to the call but was near the area and decided to assist.

Upon his arrival, Deputy [redacted] said he saw the suspect in the parking lot of the liquor store. He said he knew the suspect by name from prior contacts. Deputy [redacted] said he believed the suspect had been involved in a fight due to redness and blood on his face.

Deputy [redacted] added that the suspect's face was very swollen and red. He did not remember specific injuries but believed the injuries may have just occurred moments prior to his arrival.

Deputy [redacted] said the suspect was detained in order to conduct an investigation into the call for service as well as to determine the suspect's sobriety. He said the suspect was swaying and staggering as well as yelling, slurring his speech and being belligerent.

Deputy [redacted] said Deputies Ortega and Brito arrested the suspect for public intoxication.

Deputy [redacted] said he saw Los Angeles County Fire paramedics at the location and believed they were there due to the fight call. He said he believed the suspect refused medical treatment by paramedics, but was not present when the suspect refused. The suspect was transported to Henry Mayo Memorial Hospital by Deputies Ortega and Brito.

Deputy [redacted] said he went to the station jail in order to beginning the booking process for the suspect. Deputies Ortega and Brito later arrived at the station jail with the suspect.

Deputy [redacted] said the suspect was boisterous and aggressive with deputy personnel. Believing the suspect may pose a threat to deputies, he, Deputies Ortega and Brito escorted the suspect to his cell.

Deputy [redacted] said that he believed the suspect was trying to bait deputy personnel to fight him.

Deputy [redacted] said the suspect was following direction however was still verbally abusive toward the deputies. The suspect was escorted into the cell and followed into the cell by Deputies [redacted] and Brito. Deputy Ortega stood at the gate of the cell.

The suspect was directed to stand against a wall and directed to place his hands on his head after being handcuffed by Deputy [redacted]. The suspect followed directions and complied with Deputy [redacted] Deputy [redacted] began to exit the cell and Deputy Brito followed behind. At this time, the suspect turned to face Deputy Brito and stood in a boxing stance with his hands clinched into fists.

The suspect threw two punches toward Deputy Brito's upper body but the punches did not connect. In return, Deputy Brito threw a punch and hit the suspect's face striking the suspect. Deputy Brito punched the suspect's torso approximately two times and the suspect fell to the floor.

Deputy [redacted] said he grabbed the suspect's right wrist and tried to pull it toward his back but the suspect resisted. Deputy [redacted] then grabbed the suspect's left wrist and clutched the two wrists together, thus being able to handcuff him.

Deputy [redacted] said the suspect was also kicking his legs and recalled Deputy Brito pinning the suspect's legs down.

Deputy Brito concluded by saying that due to the reaction time to the suspect's attack, personal weapons were the best option.

Deputy [redacted] said that in retrospect, OC (Oleoresin Capsicum) would have been a good option which would have possibly given the deputies enough time to exit the cell. Another option would have been to place the suspect inside the cell and shut the gate behind him, then unhand cuff him through the gate's port hole.

EMPLOYEE WITNESS STATEMENTS:

Barnaby Ortega:

Barnaby Ortega, Deputy #[redacted], Special Assignment Officer, Santa Clarita Sheriff's Station, was interviewed on December 17, 2014 by Sergeant Jose J. Garcia of the Internal Affairs Bureau. The interview was conducted at Santa Clarita Sheriff's Station and it was audio recorded. The following is a summary of the interview:

Deputy Ortega said he was assigned in a two man radio car with his partner, Deputy Jeffrey Brito on the day of the incident. He and Deputy Brito heard a voiced fight call at [redacted]

They responded to [redacted] as they were near the area in order to assist patrol units.

Upon his arrival he and Deputy Brito looked for anyone fighting at the location but could not see anyone. Deputy Ortega noticed and recognized Suspect Alex Rincon from prior contacts. The suspect was standing near a trash dumpster of the location. Deputy Ortega noticed that the suspect had blood on his face, swelling around his eyes and forehead.

Deputy Ortega called the suspect to come to him but the suspect did not comply. Deputies Ortega and Brito approached the suspect on foot. Due to the fight call and the suspect's appearance, the suspect was detained in order to conduct an investigation into the call for service.

Deputy Ortega said the suspect exhibited the symptoms of alcohol intoxication. The suspect's speech was slurred and he yelled abruptly during the contact. The suspect emitted the strong odor of alcohol from his body.

While at the location, Deputy Ortega noticed that Los Angeles County Fire Paramedics were present regarding an unrelated matter. One of the fire department paramedics, (William Oney #[redacted] approached Deputy Ortega and due to the suspect's visible injuries asked if the suspect needed medical assistance.

Paramedic Oney told the suspect that he wanted to help him and that it appeared as though the suspect had been injured, but the suspect told Paramedic Oney to "fuck off."

Deputy Ortega said that the suspect in his drunkenness, made threats toward Paramedic Oney, at which time the paramedic said he was done and left the location.

Deputies Ortega and Brito decided to take the handle on the call and formed the opinion that the suspect had been in a fight. Deputy Ortega believed that due to alcohol intoxication, he was unable to care for himself or others. The suspect was placed under arrest for disorderly conduct, drunk, 647 (f) PC.

Due to the suspect's visible injuries, Deputies Brito and Ortega transported the suspect to Henry Mayo Memorial Hospital in order to obtain medical clearance for booking.

Sergeant Daniel Peacock #[redacted] Santa Clarita Sheriff's Station was notified of the suspect's arrest and met Deputies Ortega and Brito at the hospital.

Present at the hospital were Deputies Ortega, Brito and [redacted] Sergeant Peacock as well as the suspect.

During this hospital visit and as the suspect exited the radio car he whispered to Deputy Ortega. The suspect said, "Watch this, I'm gonna get you guys so fucking hard." The suspect began to scream that deputies beat him and hurt him as he refused to walk into the hospital by folding his knees up.

Deputy Ortega said that during this escort, the suspect walked away from the car in a normal manner but yelled as though in severe pain, as if being beaten. Once entering the emergency room, he bent his knees and refused to walk on his own.

Deputies Ortega said he and Brito picked up the suspect by his arms by placing their arms under his armpits, thus walking him into the hospital.

Deputy Ortega said the suspect became uncooperative with Nurse [redacted] (Witness [redacted], while in the emergency room and Sergeant Peacock decided to have the suspect transported to Santa Clarita Sheriff's Station booking area.

Once in the station jail, the suspect was placed inside a cell without incident.

> **IAB Note:** Sergeant Peacock video recorded the escort of the suspect from the radio car to the emergency room and escort back to the radio car. He also recorded the suspect's escort from the radio car into the jail cell. For further details regarding this recording, refer to **Exhibit C, DVD by Sergeant Peacock.**

Deputy Ortega said that approximately two hours later he and Deputy Brito transported the suspect back to the hospital in order to obtain medical clearance for booking.

Upon their arrival at the hospital, the suspect refused to exit the radio car and refused medical treatment. Witness [redacted] walked out to the radio car and spoke with the suspect. At this time Witness [redacted] signed a refusal for medical treatment. Sergeant Peacock was present during the refusal.

IAB Note: For further details regarding the refusal to permit medical treatment, refer to **Exhibit A, Booking Packet, Medical Refusal form.**

Deputies Ortega and Brito transported the suspect back to Santa Clarita Jail for booking. Upon their arrival at the jail, Sergeant Peacock and Deputy [redacted] were present.

Deputy Ortega said that during this time, the suspect had been cooperative with deputy personnel as he walked on his own and followed the deputies' commands.

Deputy Ortega said Sergeant Peacock left the booking area and went into the station. Deputies Ortega, Brito and [redacted] escorted the suspect to his cell.

Deputies [redacted] and Brito entered the cell with the suspect and positioned him against the wall. Deputy Ortega stood at the open gate of the cell as Deputy [redacted] instructed the suspect to place his hands on the back of his head after unhand cuffing him.

Deputy Ortega was asked if the suspect's demeanor and/or statements had any reaction on him and he said, that he believed the suspect was only trying to get a reaction from the deputies by taunting them with his words.

Deputy Ortega said that the suspect had been verbally abusive toward the deputies, calling them "pigs" and saying "fuck you" to them but had otherwise complied with every command by the deputies.

The suspect cooperated with the deputies' commands and as Deputies [redacted] and Brito walked away from the suspect toward the gate, the suspect turned toward Deputy Brito in a fighting stance. The suspect yelled, "Fuck you guys!"

Deputy Ortega said the suspect threw approximately one punch toward Deputy Brito's upper chest. Deputy Brito responded by punching the suspect's face or head one time and punching the suspect's torso twice. The suspect fell back on his buttocks and then rolled to his right side. The suspect began to move toward under the metal bunk. Deputy [redacted] pulled the suspect out from under the bunk and pinned the suspect's shoulder's down. The suspect faced the floor and kept his hand under his chest as if refusing to give up his hands.

Deputy [redacted] was able to pull the suspect's hands and placed them behind the suspect's back. Deputy [redacted] handcuffed the suspect without further incident. Deputy Ortega reported his observations of the force to Sergeant Peacock immediately.

Deputy Ortega concluded by saying that due to the incident occurring so quickly and without any warning, also ending very quickly, he had no time to consider or even deploy any other force options at the time.

Deputy Ortega was asked if he considered using a hobble to keep the suspect's legs from moving around, specifically during the first hospital visit, thus making it safer for everyone in the emergency room. Deputy Ortega said a hobble did not occur to him, but a hobble would have helped, unfortunately he did not have a hobble on his person. Deputy Ortega said that in retrospect, especially since the sergeant was not present, the suspect should have been left handcuffed in the cell and unhandcuffed through the gate port hole.

Daniel Peacock:

Daniel Peacock, Sergeant #[redacted] Special Assignment Officer Supervisor, Santa Clarita Sheriff's Station, was interviewed on January 15, 2016, by Sergeant Jose J. Garcia and Lieutenant Dominic Valencia of the Internal Affairs Bureau. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Sergeant Peacock said he was assigned to the Santa Clarita Special Assignment Team as the team supervisor. Sergeant Peacock said he supervised Deputies Ortega, Brito and [redacted]

On the day of the incident he heard a call via Sheriff's radio of a fight in progress, at [redacted] He heard via the radio that his team was responding to assist at the call, at which time he also responded.

Sergeant Peacock said he arrived at the call and saw that his team had Suspect Rincon detained in the back seat of a radio car. He noticed and heard the suspect yelling profanities at deputy personnel. Sergeant Peacock approached the suspect and spoke to him through a partially opened rear car window. He noticed that the suspect appeared as though he had been involved in a fight. The suspect was bleeding from his nose and his face was swollen.

Sergeant Peacock noticed the suspect's speech was slurred and he emitted the strong odor of alcohol.

Los Angeles County Fire Paramedics were at the location due to an unrelated matter and one of the paramedics approached the suspect and offered medical assistance. The suspect told the paramedic to "fuck off" and the paramedic left.

Sergeant Peacock expressed that his concern at the time was for the suspect. He said he believed that the suspect may have been a victim of an assault and due to his intoxication may engage in another fight or even walk into traffic.

Sergeant Peacock said he never considered the suspect as a real physical threat to deputy personnel. He believed that the suspect's demeanor was influenced by his alcohol intoxication. Due to the suspect's possible involvement in a fight and the fact that he was heavily intoxicated, Sergeant Peacock believed the suspect was not able to care for himself, at which time the suspect was placed under arrest for being drunk in public.

Sergeant Peacock said that due to the suspect's visible injuries, he directed Deputies Ortega and Brito to transport the suspect to Henry Mayo Memorial Hospital in order to obtain medical clearance for booking.

Sergeant Peacock said that the suspect was so verbally abusive and aggressive that he decided to video record the suspect's demeanor while at the hospital. Upon their arrival at the hospital, Deputies Ortega and Brito escorted the suspect into the emergency room. As the suspect entered the hospital, he began to yell out loudly that deputies beat him as he refused to walk and dragged his feet, forcing the deputies to carry him into the hospital. The suspect was extremely uncooperative and verbally berated medical staff as he refused medical treatment.

Sergeant Peacock decided that the suspect was to be transported to the station and detained inside a cell until he calmed down or sobered up, then the suspect would be brought back to the hospital for medical clearance.

Sergeant Peacock said that he followed Deputies Ortega and Brito, who transported the suspect to the station. Upon arrival at the station Sergeant Peacock followed Deputies Ortega, Brito and [redacted] as they escorted the suspect to a cell.

Once at the cell, Sergeant Peacock said he directed deputies to place the suspect inside the cell, while handcuffed. He then directed deputies to close the cell and to unhandcuff the suspect through a port hole at the gate. The suspect was then left in the cell to "sleep it off."

Approximately two hours later, Sergeant Peacock directed deputies to wake up the suspect and to escort him to a radio car, then transport him to the hospital for medical clearance. He said the suspect was not as belligerent as he had been earlier as he appeared to become sober.

Sergeant Peacock followed Deputies Ortega and Brito to the hospital. Upon their arrival, the suspect refused medical treatment and refused to get out of the radio car. The suspect agreed to sign a medical refusal for treatment.

Sergeant Peacock said that the suspect had become calmer and said all he wanted to do was sleep. He said that due to the suspect's calm demeanor, he chose to not video record the suspect. Medical staff exited the hospital and spoke to the suspect, at which time the suspect refused medical treatment. Sergeant Peacock recalled unhandcuffing the suspect's right hand in order for him to sign the medical refusal form. The suspect had become cooperative with deputy personnel.

After the medical refusal, Sergeant Peacock followed deputies to the station. When Sergeant Peacock and the deputies arrived at the station with the suspects, he discussed the suspect's demeanor with the deputies. He spoke with Deputies Ortega and Brito, and discussed taking the suspect to the front booking cage in the station jail in order to complete the booking process.

Deputies Ortega and Brito told Sergeant Peacock that the suspect was cooperative and described the suspect's demeanor as "a light switch" had been turned. The suspect's demeanor had changed to that of a joking and cooperative inmate.

Sergeant Peacock said that he spoke to the suspect before going into the station booking area and asked him if he was going to be cooperative with the deputies and the suspect assured him that he would be, adding that he was having a good time with the deputies and just wanted to go to sleep.

Due to the suspect's cooperative demeanor, Sergeant Peacock, decided to not video record the suspect.

Sergeant Peacock said he did not perceive the suspect as a physical threat at all, especially since he became so cooperative.

Sergeant Peacock said he along with Deputies Ortega and Brito entered the booking area with the suspect. Sergeant Peacock left the booking area to [redacted] and then went to the Watch Commander's office to advise him of the arrest and the suspect's refusal to be medically treated.

Sergeant Peacock was asked if he directed deputies to wait for him to return to the booking area before placing the suspect in the cell or any other direction and he said he did not direct deputies in any way.

Sergeant Peacock said he remembered entering the booking area and noticed other prisoners in the booking area, who were loud and disruptive.

Sergeant Peacock said that after [redacted] he went to the Watch Commander's office to advise him of the suspect. Approximately six minutes later he was summoned by Deputies Ortega, Brito and [redacted] who advised him that force was used on the suspect in the cell.

Sergeant Peacock said he saw the suspect and did not notice any additional or different injuries on the suspect, other than the ones he observed prior. Sergeant Peacock said the suspect was transported back to the hospital by other station deputies for medical treatment.

Sergeant Peacock concluded by saying that in retrospect, he should have stayed with his deputies during the entire escorting of the suspect and video recorded the suspect's demeanor up to being placed in a cell. He added that if he had been present with the deputies, he would have assured that the suspect was placed inside the cage and unhandcuffed through the porthole at the gate.

CIVILIAN WITNESS:

[redacted]

[redacted], **Registered Nurse,** Henry Mayo Memorial Hospital (Emergency Room), was interviewed on February 19, 2014, by Sergeant Daniel Peacock, Santa Clarita Sheriff's Station.

The interview was conducted at Henry Mayo Memorial Hospital and was video recorded. The following is a summary of the interview:

> **IAB Note:** For further information regarding this interview, refer to **Exhibit C, DVD containing video interview of Witness Traficante.**

Witness [redacted] said he was on duty on February 19, 2014, when Suspect Rincon was first brought into the emergency room by deputy personnel at approximately 1700-1800 hours. He said he saw the suspect had obvious facial injuries as if he had been assaulted. The suspect required medical treatment, however he was very combative and very uncooperative.

Witness [redacted] said the suspect had swelling and a laceration over his left eye as well as a bleeding nose. The suspect refused medical assistance and a written medical refusal was issued.

Witness [redacted] said that the third time deputies brought the suspect into the emergency room, he treated the suspect for his injuries.

Witness [redacted] said that the suspect had the same visible injuries as he had the first time he was brought into the emergency room. He added that the only difference was that the suspect's slurred speech lessened the third time he was brought in.

SUSPECT'S STATEMENT:

Alex Rincon, [redacted] was interviewed on February 20, 2014, by Sergeants Jose J. Garcia and Dina Grote of the Internal Affairs Bureau. The interview took place at Santa Clarita Sheriff's Station, in an interview room. The interview was audio recorded. This is a summary of the interview:

The suspect said he was near [redacted] 14th Street Suite A, Newhall, on February 19, 2014, at approximately 1800 hours. He was contacted by Sheriff's Deputies in front of the store and placed under arrest for being drunk in public.

The suspect said he had not been involved in a fight or received any injuries prior to having contact with deputy personnel.

The suspect was asked if he was seen by Los Angeles County Fire personnel outside [redacted] and he said he did not remember.

The suspect was asked if he was transported to a hospital prior to being booked and he said he was taken to a hospital for unknown reasons. He said medical staff did not examine him and did not offer any medical treatment.

The suspect said deputy personnel denied him medical treatment because he was uncooperative. He said he never refused treatment.

The suspect said deputy personnel transported him to the Sheriff's station and placed him inside a jail cell. One of the deputies was Deputy Brito. He said Deputy Brito did not take a liking to him and told him, "I'm going to take the handcuffs off you right now and I'm going to fuck you up."

The suspect said he did not believe Deputy Brito was going to go through with his threat because that had never happened to him before. He added that he was taken into a cell where Deputy Brito knew there were no cameras and assaulted him. He said Deputy Brito took the handcuffs off of him and quickly swept him off his feet causing him to fall, but in the process of sweeping him, Deputy Brito fell to the floor also.

The suspect said two additional deputies entered the cell, grabbed him and placed him against the wall. He said Deputy Brito stood up and punched the suspect on his ribs and face repeatedly. He said Deputy Brito also used his knees to strike him.

The suspect said he asked Deputy Brito why he beat him and Deputy Brito responded, "Because you think you're so fucking tough." The suspect said deputies then transported him to the hospital for treatment a second time. He said this time he received medical treatment for his injuries.

The suspect was asked if he remembered how many times he was transported to the hospital and he said he was taken to the hospital two times only.

> **IAB Note:** Deputy Personnel transported the suspect a total of 3 times to Henry Mayo Memorial Hospital in order to obtain medical clearance for booking.

For further details regarding transportation to the hospital refer to **Exhibit C DVD containing video by Sergeant Daniel Peacock #[redacted]**

The suspect said he was treated at the hospital for his injuries, which included a fractured rib and fractured nose.

The suspect said he drank vodka at his [redacted] house just prior to coming in contact with Sheriff's Deputies. He admitted that he had a small laceration over his left eye prior to coming in contact with deputies, but did not remember how he sustained the injury. He then said he played with his [redacted] on the morning of February 19, 2014, which could have been the cause of the injury but was not sure.

As the suspect was asked about the laceration over his left eye, he appeared to become angry and was uncooperative. He said he did not want to participate in the interview any longer. The interview was terminated.